

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BERKLEY INSURANCE
COMPANY, a Delaware corporation,

Plaintiff,

v.

N&N EXCAVATION, LLC, a
Washington limited liability company;
and FRANK T. NEKICH,

Defendants.

NO: 2:20-CV-0275-TOR

ORDER ON STIPULATION OF
DISMISSAL WITHOUT PREJUDICE

BEFORE THE COURT is the parties' Stipulation of Dismissal Without Prejudice (ECF No. 10). The stipulation was submitted for consideration without oral argument. The Court, having reviewed the file and the records therein, is fully informed.

The parties' stipulation provides for dismissal of this action without prejudice and with each party bearing their own costs and attorneys' fees.

1 According to Rule 41(a)(1)(A)(i), the plaintiff may dismiss an action by filing a
2 notice of dismissal before an answer or motion for summary judgment is filed.

3 **ACCORDINGLY, IT IS HEREBY ORDERED:**

4 Pursuant to Rule 41(a)(1)(A)(i) and the parties' stipulation, this action is
5 **DISMISSED** without prejudice and with each party bearing their own costs and
6 attorneys' fees.

7 The District Court Executive is directed to enter this Order and Judgment
8 accordingly, furnish copies to counsel, and **CLOSE** the file.

9 DATED January 4, 2021.



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Thomas O. Rice
THOMAS O. RICE
United States District Judge